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INTELLECTUAL PROPERTY DEPARTMENT
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NATICK, MA 01760-2077

EXAMINER	
STEELMAN, MARY J	

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2191	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/842,948	PETRY ET AL.	
	Examiner	Art Unit	
	MARY STEELMAN	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-30,32-34,36-39,41-44,51-53,55-63 and 69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1,3-8,10-30,32-34,36-39,41-44,51-53,55-63 and 69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/ are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to Claims and Remarks received 10/18/2007.

New claim 69 has been added. Claims 1, 3-8, 10-30, 32-34, 36-39, 41-44, 51-53, 55-63, and 69 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5-8, 11-16, 19-30, 32-33, 36-39, 41-44, 51-53, 55-63, and 69 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,931,633 B1 to Vazquez et al.

Per claims 1, 19, 22, 26, 39, 51, and 52:

A method comprising:

-selecting, at a first computer, at least one vision tool, said vision tool being remotely located from said first computer;

Vazquez disclosed:

Col. 8:8-25 & FIG. 3, user creates image processing system, user to load and display an image, image processing functions (vision tool) are performed on an image, user to select and apply functions

Col. 12: 50 & FIG. 5, host computer 102, connects to one or more instruments, CPU, display screen, memory

Col. 15: 1-31, The memory medium may be comprised in the computer 102...or may be located on a second computer which is coupled to the computer 102 through a network, LAN, WAN, Internet...to provide the program instructions through the network... (remotely located)

-sending, via a communications network, image data (Col. 3: 7, user may specify one or more images on which to run the algorithm), an indication of the vision tool that was selected, and at least one vision tool parameter corresponding to said vision tool, from the first computer to a remotely located second computer that includes the vision tool;

Vazquez disclosed that the system may include two remote computers, thus 'sending via communications network'. Col. 3: 7, "user may specify one or more images on which to run the algorithm (vision tool)" Col. 9: 31-33, "user may change parameters associated with various image processing functions in the algorithm" Col. 10: 3-14, "image processing categories...for each function in the algorithm related to morphology operations...manipulating color information...related to filtering functions...histogram functions...pattern matching functions

(vision tools) Col. 10: 19-21, "user may then request the image processing algorithm to be included in a standalone executable program" (indication of the vision tool that was selected) Col. 11: The user interface of the prototyping environment may enable the user to load or select an image and easily select image processing functions to apply to the image." Col. 12: 65-66, "specified parameters may be associated with the image processing function." (vision tool parameter corresponding to said vision tool)

-validating said image data, said vision tool, and said at least one vision tool parameter, at said remotely located second computer;

Vazquez disclosed (col. 5: 6) "an image prototyping environment application operable to develop image processing algorithms" Col. 5: 29-31, "system and method for evaluating performance of an image processing algorithm (validating)" User validates image data, vision tool and parameters in a prototyping environment, records functions in a script (col. 8: 29-30), which may be converted to a standalone executable program (col. 10: 15-21).

-processing said image data at said remotely located second computer using the vision tool to produce a result;

Vazquez disclosed (col. 8: 20-22) "image processing functions are performed on an image (using vision tool to produce a result), in response to user input accepted via the user interface displayed."

-sending the result to a designated location.

Vazquez disclosed (col. 8: 26-28) "As the image processing functions are performed on the image, the user interface may update the image or display a separate resulting image." (results are sent to designated location, the user interface)

Per claims 3, 14, 15, 21, 23, 25, and 53:

-Image data sent via communications network / acquiring image / retrieving image

Vazquez disclosed a first and second different computer (col. 23-26) networked (image data sent via communications network).

Vazquez disclosed (col. 8: 16-18), The user interface preferably enables a user to load and display an image, e.g., an image from a file or acquired from hardware device. Col. 10: 59-60, "load and manipulate any of various types of images" (acquiring / retrieving image)

Per claims 5, 6, 28, 29, 30, 41, 42:

-Communications network / WAN / Internet

Vazquez disclosed: Col. 7: 23-27, a first computer, second different computer, network...the second computer provides the program instructions to the first computer for execution.

Per claims 7, 8, 37, 38, 43, and 44:

-designated location to receive said analyzed result is said first computer

Vazquez disclosed:

See FIGs. 5-11, output image to GUI screen. Col. 12: 58-62, "for each type of image processing function supported, the prototyping environment may be operable to display intermediate windows or screens that the user interacts with."

Per claims 11, 12, 16, 56, 57, 60 and 61:

-acquiring said image data at said first computer / at said remotely located second computer

Vazquez disclosed (col. 10: 63), The images may be obtained from any of various sources.

Vazquez disclosed (col. 8: 16-18), The user interface preferably enables a user to load and display an image, e.g., an image from a file or acquired from hardware device.

See claim 1 regarding first computer & remotely located second computer.

Per claims 13, 58, and 59:

-acquiring includes retrieving said image data from an image acquirer using an acquisition command / from an image holder / from an image data location.

Vazquez disclosed (col. 8: 16-18), The user interface preferably enables a user to load and display an image, e.g., an image from a file (image holder / image data location) or acquired from hardware device (acquisition command).

Col. 5: 45, images acquired from the video device 132. Col. 6: 48, image acquisition board 134(acquisition command).

Per claims 20 and 24:

-configured to send said image data to said remotely located second computer to be used by said vision tool.

Vazquez:

Col. 8:8-25 & FIG. 3, image prototyping environment and user interface enables a user to load and display an image...from a file or acquired from hardware device...image processing functions are performed on an image, in response to user input accepted via the user interface...user to select and apply these functions...As the image processing functions are performed on the image, the user interface may update the image or display a separate resulting image.

Col. 10: 64, The images may be obtained from any of various sources.

See claim 1 regarding networked computers. Vision tools / image processing functions are used to process image data.

Per claims 27, 32, 33, 59, and 60:

-retrieves said image data from an image acquirer

Vazquez:

Col. 5: 57-58, image acquisition card 134, coupled to computer

Col. 7: 23-35, an arrangement of networked computers

Col. 8: 17-19, The user interface preferably enables a user to load (retrieve) and display an image, e.g. an image from a file or acquired from hardware device (retrieve from image acquirer).

Col. 15: 16-18, "If the image source is a hardware device, the program may include code for initializing the hardware device, acquiring the image from the device, etc."

Per claims 55, 62, and 63:

-entering at least one vision tool parameter at said first computer.

Vazquez disclosed (col. 13: 4-18), entering vision tool parameters.

Col. 15: 25-67, input parameters

Per claim 69:

An apparatus comprising:

A computer configured to communicate with a remotely located second computer via a communications link, the computer including:

Vazquez disclosed linked computers (first computer, second computer) at col. 7: 23-35.

-a receiving portion configured to receive image data, at least one vision tool parameter, and an indication of a selection of at least one vision tool from said remotely located second computer;

Vazquez disclosed (col. 8: 7-43), an image prototyping environment, a user interface, enables a user to load and display an image, select and apply image processing functions (selection of

vision tool). Col. 9: 32, user may change parameters associated with various image processing functions

-an analyzing portion configured to analyze said image data and said at least one vision tool parameter using said at least one selected vision tool to obtain an analyzed result;

Vazquez disclosed analyzing at col. 8: 41. Col. 9: 39-40, "may suggest changes to parameters in various image processing functions (analyzing)"

-transmitting portion configured to send said analyzed result from said analyzing portion to a designated location via said communications link.

Vazquez disclosed (col. 9: 50-52), "enable the user to easily execute the changed algorithm to see the results (view on GUI – designated location) See FIG 4 & related text at col. 11: 59-62, processing window (designated location) may display resulting image. Vazquez disclosed analyzing at col. 8: 41. Col. 9: 39-40, "may suggest changes to parameters in various image processing functions (analyzing)"

Vazquez disclosed (col. 5: 34 - col. 8: 7) a computer system storing an image processing prototyping environment, related instruments such as a video device 132 or an image acquisition card 134, host bus 162, and connections (communications link for transmitting / sending). Vazquez disclosed that (col. 7: 23-26) a first and a second computer may be networked.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4, 10, 17, 18, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,931,633 B1 to Vazquez et al, in view of USPN 6,915,273 B1 to Parulski et al.

Per claims 4 and 34:

-client account information is sent along with at least one vision tool parameter that is sent from said first computer via said communications network to said remotely located second computer.

-validator to verify account information from said first computer

Vazquez disclosed networked computers sending vision tool parameters (see limitations addressed above). Vazquez failed to disclose "client account information and validator to verify account information from said first computer"

However, Parulski disclosed customized printing services over a network, providing photo products including images. Parulski disclosed

Col. 5: 33-44), "When a photo product 66 is purchased, the electronic database 44 communicates with a billing system 46 to verify that the payment identifier (e.g., credit card or debit card number) provided by the customer is valid, and to debit the account for the purchase. "

Parulski disclosed (col. 1: 51-53) providing "a plurality of photo product options that can be selected by a user via a digital communications network" Col. 1: 55-60, "the user providing a first group of digital images and selecting at least one photo product from the plurality of digital printing service options and providing a payment identifier specifying a payment account to be debited to pay for the selected photo product" Col. 1: 62, "storing the service account data" The user selects 'options' (parameters) (col. 7:20)

It would have been obvious, to one of ordinary skill in the art, at the time of the invention to modify Vazquez, using the teachings of Parulski, because one would be motivated to provide for billing for services rendered in an image processing system.

Per claims 10, 17, 18:

-vision tool parameter is entered at said first computer

Vazquez disclosed (col. 13: 4-18), "experimenting with various image processing functions and settings (parameters)..." Col. 15: 25-26, "input specifying which image processing function parameters may be interactively specified"

-entered manually by a user Vazquez disclosed (col. 9:32) "user may change parameters"

-entered using an application program Vazquez disclosed (col. 9: 58-60), "prototyping environment may automatically make changes to the algorithm and inform the user of the changes"

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

01/17/2008

MARY STEELMAN
PRIMARY EXAMINER